

(1994) 02 NCDRC CK 0033

In the National Consumer Disputes Redressal Commission

M.S.O.BUILDING EMPLOYEES CONSUMER CO-OPERATIVE
STORE LTD

APPELLANT

Vs

R.S.GUPTA

RESPONDENT

Date of Decision : 25-02-1994

Acts Referred:

Citation : 1994 3 CPJ 315

Hon'ble Judges : R.N.Mittal , S.Brar , A.N.Saxena J.

Final Decision : Revision dismissed

Judgement

1. THIS revision petition has been filed by the opposite party against the order of the District Forum dated 3rd June, 1993 by which they have been directed to pay an amount of Rs. 5,000/- alongwith interest @12% p.a. from 1-6-84 to the date of payment and Rs. 1,000/- as compensation to the complainant.

2. BRIEFLY the facts are that the complainant deposited Rs. 5,000/- with the opposite party on 29-4-91 in a scheme providing interest 12% p.a. He received interest upto 1-6-84 and thereafter, no interest was paid to him by the opposite party. Consequently he filed a complaint before the District Forum for refund of the amount and interest on that amount. The opposite party contested the complaint and denied their liability to pay the amount. The District Forum decreed the claim of the complainant as mentioned above. The opposite party has filed a revision petition against the said order to this Commission.

The learned Counsel for the respondent raised an objection that an appeal was maintainable against the impugned order but the opposite party did not file the appeal and that after the expiry of period of limitation for the appeal they have filed the revision petition. Therefore, the revision petition is not maintainable. On the other hand the learned Counsel for the revision petition has submitted that the complaint was barred by limitation and that he wants to challenge the order of the District Forum only on that ground. Consequently he was entitled to file the revision petition as the question involved is one of jurisdiction of the Forum.

3. WE have considered the arguments of the learned Counsel. The question of limitation is to mix question of law and fact. Therefore the argument cannot be allowed to be raised in the revision petition for the first time. The revision petition has also been filed after a long delay. After taking into consideration the aforesaid circumstances we dismiss the revision with no order as to costs. Revision dismissed.